

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

KENNETH C. CRISSUP                               §  
VS.   §      CIVIL ACTION NO. 1:05v379  
JONATHAN DAVIS, ET AL                          §

MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Kenneth C. Crissup, an inmate incarcerated within the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983.

The court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends the lawsuit be dismissed without prejudice for failure to exhaust administrative remedies.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation. The court must therefore conduct a *de novo* review of the objections in relation to the pleadings and the applicable law. See FED. R. CIV. P. 72(b).

The Texas prison system operates a two-step grievance procedure. While plaintiff states that Step 1 grievances he filed were rejected, he does not state he attempted to file a Step 2 grievance challenging the rejection. Plaintiff has therefore not fully exhausted his administrative remedies. In addition, while plaintiff states he has been threatened as a result of filing grievances, he does not state who threatened him or provide the date on which a threat was made. As a result, plaintiff's assertion must be rejected as conclusory. Plaintiff's objections are therefore without merit.

O R D E R

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered dismissing this action.

So **ORDERED** and **SIGNED** this 2 day of **February, 2006**.



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Ron Clark, United States District Judge